

7-27-05 (REV. 7/07)

### FARM PRODUCTS AND COMMODITY HANDLERS ACTS VERIFIED STATEMENT OF CLAIM AND COMPLAINT

STATE OF: Colorado

COUNTY OF: Morgan

IN THE MATTER OF:

High Plains Livestock Exchange, LLC

CASE: P.O. 158

ADDRESS: Brush, Colorado 80723

CITY: Brush STATE: Colorado ZIP CODE: 80723

PHONE: 970-842-5115 COMPLAINT

VS.

NAME: Terry L. Kimball

ADDRESS: 14701 Huron Street

CITY: Broomfield STATE: Colorado ZIP CODE: 80020

PHONE: 720-982-5627 RESPONDENT

(To be filed with the Commissioner of Agriculture pursuant to Title 12, Article 10, Sections 107, and 207, C.R.S.)

MAIL TO: Colorado Department of Agriculture  
Farm Products Program  
2881 West 31st Avenue  
Denver, CO 80211  
(303) 477-0054

Do not write in this space - Dept. use only

#### STATEMENT OF CLAIM AND COMPLAINT

DESCRIPTION OF FARM PRODUCT: Mixed Steer & Heifer Calves 594# TOTAL AMOUNT OWED: \$11,617.50

QUANTITY (weight): 21 Head ave. 594# TOTAL PAYMENTS RECEIVED: None

ORIGIN: High Plains Livestock Exchange TOTAL BALANCE DUE: \$11,617.50

DESTINATION: Don't Know DATES OF ALL TRANSACTIONS: 11 / 05 / 04  
(Attach Additional Page(s) if Needed)

Complainant alleges (Describe all relevant facts supporting this complaint. Give the name, address and telephone number of all individuals who could substantiate these allegations as a witness. Also, send with this form copies of all documents supporting this complaint, including such things as contracts, bills of lading, weight tickets, way bills, inspection certificates, invoices, checks and correspondence.)

SEE ATTACHED LETTER

#### VERIFICATION

The undersigned, first being duly sworn upon oath, states that the facts contained in the foregoing Statement of Claim and Complaint are true and correct.



[Signature]  
Type or Print Name and Title: Timothy J. Stutzman, Member

Subscribed and sworn to before me in the County of Morgan, State of Colorado, his 19th day of January, 2005.

By Commission Expires 06/30/2006  
[Signature]

## ATTACHED LETTER

Mr Kimball came to our sale on November 5th, 2004. He bought 21 head of cattle. One of our customers (Harry Meyer) told our auctioneer ( Bill Drake) to check him out because the way he was buying cattle didn't make sense. After the sale, Mr Kimball came to the office and paid for the cattle. Kendra Ivie waited on him and he paid with a check. He loaded out the cattle that evening. Two weeks later we get a phone call from our bank(1st National of Akron) saying the check came back Refer to Maker. The office manager Johnette Vondy had the bank fax a copy of the check and then she tried calling the phone numbers on the buyer card and on the check. She could get no answer. She then gave everything to Tim Stutzman (owner). Tim tried to call the bank on the check which was a credit card check. He also called around and finally talked to Scott Kimball nephew of Terry. Scott said that Terry was out of town and that he would come in and meet with Tim the following Monday, around the 28th of November. He never showed up and never called. Tim called him again on Wednesday, the 30th and he said he didn't make it back because of the weather and he would be in next week. Again he never showed up. From this point on, Tim got told the cattle were in Woodrow and other stories. One animal had been butchered and they owed the Locker money. Then about 3 weeks ago, we found out that 15 head had been sold at Centennial Livestock in Ft Collins a week after he bought them here. We have never talked to this Terry only Scott. Harry Meyer, Greeley Colo could probably identify him and Kendra Ivie looked at a line up on January 17th. Other than that no else could identify him.